Legal, Economic, and Moral Implications of the Proposed Repeal of Utah’s In-State Tuition Benefits for Undocumented Immigrants

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As Utah experiences a rapid increase in the number of undocumented immigrants living in the state, many complex and controversial issues arise regarding how, and perhaps if, this growing segment of the population should be integrated into Utah communities. In 2002 the Utah State Legislature passed House Bill 144 (HB144) which makes undocumented immigrants who attend Utah high schools for three years and obtain a high school diploma or its equivalent eligible to attend Utah’s institutions of higher learning while paying in-state tuition rates. This has set off a debate about whether the state is justified in directly or indirectly providing public benefits to undocumented immigrants living in Utah. Opponents of the tuition breaks for undocumented immigrant college students have introduced House Bill 7 (HB7) which repeals the benefits enacted by HB144 in 2002. Although the bill has been effectively prevented from coming to a vote on the floor of the Utah House of Representatives in the past three years that it has been introduced, this year included, it is likely that the bill and the issues surrounding it will come up again in future legislative sessions.

Both those who oppose tuition breaks for undocumented students and those who support them employ arguments to advance their positions on legal, economic, and moral grounds. In this thesis I examine the arguments of both sides as they are presented in public statements as well as publications produced by those on both sides of the debate. I evaluate the economic arguments made by both HB7’s supporters and its detractors in the light of current economic literature, which discusses the undocumented immigrant population and the costs and benefits of educating this group. While many points of controversy surrounding this issue are matters of speculation and personal opinion, I try to present an organized analysis of the potential legal, economic, and moral implications for the state of Utah if in-state tuition benefits for undocumented immigrants are repealed.

In examining the arguments for and against HB7 in terms of legal, economic implications of the bill, I found that HB7’s supporters made their strongest arguments on legal grounds, while HB7’s detractors presented more robust arguments on economic and moral grounds.